

From: [Harris, Tom](#)
To: [Drinkard, James](#); [Thomas, Sam \(Attorney\)](#)
Subject: FW: Avalon Assessment Value
Date: Monday, March 13, 2017 2:58:35 PM

THOMAS G. HARRIS, CPA
DIRECTOR OF FINANCE

From: Harris, Tom
Sent: Monday, March 07, 2016 10:40 AM
To: Harris, Tom <tharris@alpharetta.ga.us>; 'Jones, Dan W' <JonesDW@fultonschools.org>
Subject: RE: Avalon Assessment Value

Dan,

Our City Attorney's contact information to share with your attorneys is below. Hopefully they can touch base with him early this week.

Sam Thomas
Bovis, Kyle, Burch & Medlin
770-391-9100
678-338-3904 Direct

Thanks

Tom

THOMAS G. HARRIS, CPA
DIRECTOR OF FINANCE

From: Harris, Tom
Sent: Monday, February 29, 2016 10:08 AM
To: Jones, Dan W
Subject: RE: Avalon Assessment Value

Dan – it would be great if your lawyers could reach out to him early this week. Want to keep this moving.

Thanks

Tom

THOMAS G. HARRIS, CPA
DIRECTOR OF FINANCE

From: Jones, Dan W [<mailto:JonesDW@fultonschools.org>]
Sent: Friday, February 26, 2016 4:53 PM
To: Harris, Tom
Subject: Re: Avalon Assessment Value

Thanks Tom for bringing this to our attention. I will get our legal team to review and see if we need to try and convince David that he needs to change the value. This type of view is the reason he told us the digest will only grow 1.5%. I will let you know what our legal team has to say.

Dan

Sent from my iPhone

On Feb 26, 2016, at 3:33 PM, Harris, Tom <tharris@alpharetta.ga.us> wrote:

Mr. Jones:

The City of Alpharetta received information last week that Fulton County Board of Assessors reduced the value of Avalon Development in Alpharetta. Avalon is a new major mixed use project off of Ga. 400 and Old Milton Parkway. This project is in the Tax Abatement Program of the Fulton County Development Authority and as such the methodology of the valuation of the leasehold interest is spelled out in the attached Memorandum of Agreement signed by the Fulton County Board of Assessors. The Assessors' office has informed us that since Certificates of Occupancy were not issued by January 1, 2015 the improvements were not supposed to be included in the tax digest of January 1, 2015. The improvements amount to a taxable value of approximately \$64.4 million (this is at the 50% taxable value percentage per the MOA). This means the City will need to issue a refund of over \$370,000. The issue is that the Assessor's Office is failing to recognize that the project was complete and opened for business (see articles on grand opening) on October 30, 2014. We believe that the MOA does not use the term "Certificates of Occupancy" for determining when to begin taxing the improvements. Instead, it is clear to us that there shall be no value of the leasehold interest (improvements) until Jan 1 of the year following the "completion and/or occupancy of the project". The opening of the full project (phase 1) was on October 30, 2014 which clearly meets the definition of "occupancy" of the project under any interpretation.

The impact of this is a loss of approximately \$2.25 million in county-wide taxes (all taxing authorities combined).

We encourage you or an appropriate person of your agency to review this and make your concerns known to David Fitzgibbon, Chief Appraiser as soon as practicable. He has informed us that while he disagrees with our view he will bring this matter to his legal department for their take. We hope to hear from his office soon.

If you have any questions, please do not hesitate to call.

Sincerely,

Tom

<image003.jpg>